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IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

MAR 18 2008 *allw*  
MAR 18 2008  
MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

United States of America ex rel.

Jerome B. Hendricks,  
(Full name and prison number)  
(Include name under which convicted)

PETITIONER

**08CV1589**  
**JUDGE KENNELLY**  
**MAG. JUDGE NOLAN**

(Supplied by Clerk of this Court)

vs.

Donald Halick,  
(Warden, Superintendent, or authorized  
person having custody of petitioner)

RESPONDENT, and

(Fill in the following blank only if judgment  
attacked imposes a sentence to commence  
in the future)

ATTORNEY GENERAL OF THE STATE OF

LISA MADIGAN,  
(State where judgment entered)

Case Number of State Court Conviction:

88CR, 12517

**PETITION FOR WRIT OF HABEAS CORPUS - PERSON IN STATE CUSTODY**

1. Name and location of court where conviction entered: COOK COUNTY, MARKHAM IL

2. Date of judgment of conviction: AUG 26<sup>TH</sup> 1991

3. Offense(s) of which petitioner was convicted (list all counts with indictment numbers, if known)

MURDER FIRST DEGREE, AGG CRIM SEX ASSAULT, AGG KIDNAPPING

4. Sentence(s) imposed: NATURAL LIFE, 30 YRS.

5. What was your plea? (Check one)

(A) Not guilty	( <input checked="" type="checkbox"/> )
(B) Guilty	( <input type="checkbox"/> )
(C) Nolo contendere	( <input type="checkbox"/> )

If you pleaded guilty to one count or indictment and not guilty to another count or indictment, give details:

**PART I - TRIAL AND DIRECT REVIEW**

1. Kind of trial: (Check one): Jury ( ) Judge only (✓)  
 2. Did you testify at trial? YES ( ) NO (✓)  
 3. Did you appeal from the conviction or the sentence imposed? YES (✓) NO ( )

(A) If you appealed, give the

- (1) Name of court: Appellate court Direct Appeal,  
 (2) Result: Denied  
 (3) Date of ruling: 1-24-94  
 (4) Issues raised: was not proven guilty of murder one,  
Natural Life sentence was in violation,

(B) If you did not appeal, explain briefly why not:

4. Did you appeal, or seek leave to appeal, to the highest state court? YES (✓) NO ( )

(A) If yes, give the

- (1) Result: Direct Appeal, Also, Denied.  
 (2) Date of ruling: 3-21-94.  
 (3) Issues raised: Sentence violation, Counsel was  
INEFFECTIVE, The court didn't give Defendant A  
A Fair Fight, A Supreme Court, Rule, 651(C) was found.

(B) If no, why not:

5. Did you petition the United States Supreme Court for a writ of certiorari? Yes ( ) No (✓)

If yes, give (A) date of petition: \_\_\_\_\_ (B) date certiorari was denied: \_\_\_\_\_

**PART II - COLLATERAL PROCEEDINGS**

1. With respect to this conviction or sentence, have you filed a post-conviction petition in state court?

YES (✓) NO ( )

With respect to *each* post-conviction petition give the following information (use additional sheets if necessary):

A. Name of court: TRIAL COURT 1st Post Conviction Petition

B. Date of filing: 2-24-1994

C. Issues raised: IT WAS said that the same issues was raised from Direct Appeal, ISSUES of 6th Amend, 6th Counselor Ineffective of Trial-Appeal

D. Did you receive an evidentiary hearing on your petition? YES ( ) NO (✓)

E. What was the court's ruling? \_\_\_\_\_

F. Date of court's ruling: \_\_\_\_\_

G. Did you appeal from the ruling on your petition? YES (✓) NO ( )

H. (a) If yes, (1) what was the result? ADVANCE to next stage

(2) date of decision: 9-16-94

(b) If no, explain briefly why not: \_\_\_\_\_

1. Did you appeal, or seek leave to appeal this decision to the highest state court?

YES (✓) NO ( )

(a) If yes, (1) what was the result? Supreme Court issued A supervisory order

(2) date of decision: July 11<sup>th</sup> 2006

(b) If no, explain briefly why not: \_\_\_\_\_

2. With respect to this conviction or sentence, have you filed a petition in a **state court** using any other form of post-conviction procedure, such as *coram nobis* or habeas corpus? YES ( ) NO (✓)

A. If yes, give the following information with respect to each proceeding (use separate sheets if necessary):

1. Nature of proceeding \_\_\_\_\_
2. Date petition filed \_\_\_\_\_
3. Ruling on the petition \_\_\_\_\_
4. Date of ruling \_\_\_\_\_
5. If you appealed, what was the ruling on appeal? \_\_\_\_\_
6. Date of ruling on appeal \_\_\_\_\_
7. If there was a further appeal, what was the ruling? \_\_\_\_\_
8. Date of ruling on appeal \_\_\_\_\_

3. With respect to this conviction or sentence, have you filed a previous petition for habeas corpus in **federal court**? YES ( ) NO (✓)

A. If yes, give name of court, case title and case number: \_\_\_\_\_

B. Did the court rule on your petition? If so, state

- (1) Ruling: \_\_\_\_\_
- (2) Date: \_\_\_\_\_

4. With respect to this conviction or sentence, are there legal proceedings pending in any court, other than this petition? YES ( ) NO (✓)

If yes, explain: \_\_\_\_\_

## Part III - Petitioner's Claims

(A) Ground One, TRIAL COURT Erred in failing to Appoint New Counsel, from the Postconviction unit.

The Public Defenders office, That I was Appointed to by Honorable Leo Holt. Was neglecting me and the case itself. Not following upon any investigations, nor doing anything I Request. Some Counselors never even contacted me at all! For example; The first Postconviction that was put forth I Explain to Counsel that the only reason the petitions were alike was because, upon waiting to hear the Decision on the Petition, A similar petition was sent forth, which was the same petition, That the Clerk should've itself had Notice this and stop the petition, Counselor went on before the Court to make a statement of, Why are we here? This Petition has been acted upon already, A Supreme Court violation was put forth 651(c) still the Hon. Holt would not take me out of this office. After several other neglecting Counselors, To where one even states; You know you done this! (Marianne Branch) and she never tried to do anything on the case. She never even knew the sentence I had, seven years or more. I was neglected by Counselor after Counselor from this Postconviction unit, I repeatedly requested to be taken out of this office. Honorable Leo Holt, Denied each Request. I was not given a fair chance with that office.

(B) Ground two, Denied A Fair Trial By Prosecution misconduct;

UPON Producing Police Reports stating 1) That the victim was seen by two elder women, After the Date stated the victim was murder. Also in the Police Reports Given to the state was that A James Hill was supposedly spoke with the Defendant, And the Defendant was supposedly stated; that he never seen the victim. Then when they later spoke, Hill-Defendant, That the victim was seen with Defendants nephew, The court found that James Hill statements was unbelievable by the court, and was thrown out. But the court (state) later used this During trial, which shouldnt have been used when the state knew it was created by Hill. A Micheal Walker Also, made statements, which was not found to be true. IT was later found out that Micheal Walker was Also question on the case as well, And that he had been incarcerated, Also That the state Paid walker for a statement, by supposedly paying his rent etc. when there were NO! real facts of this statement. Micheal Walker made brought in for questioning!

UPON Request to Counsel to Put this forth, Counselors never brought forth,

### PART III - PETITIONERS CLAIMS.

(C) Ground three, The Natural life Sentence without Parole is UNCONSTITUTIONAL, Along with consecutive sentences, should be void.

The Natural Life sentence is UNCONSTITUTIONAL, That the (sentence) factors should be brought before A JURY to determine the sentence, That the Heinous, Brutal was not proved. Also the Total sentence should be void, Because the Appellate Court Dismissed the consecutive sentences, in doing so, Theses sentences was a major part of receiving the Natural Life sentence, And being void the total sentence should be void. That the Heinous, Brutal portions was because of the counts that Defendants was found guilty of these counts the Defendant was given A consecutive sentences, In the court Dismissed the consecutive sentences, which theses sentences did in fact enhance the sentence to a Natural life sentence. In doing that the court Dismissed the consecutive sentences, A sentence hearing should be held on the Natural life

**PART III - PETITIONER'S CLAIMS**

1. State briefly every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. You may attach additional pages stating additional grounds and supporting facts. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds later.

**BEFORE PROCEEDING IN THE FEDERAL COURT, YOU MUST ORDINARILY FIRST EXHAUST YOUR STATE COURT REMEDIES WITH RESPECT TO EACH GROUND FOR RELIEF ASSERTED.**

(A) Ground one TRIAL COURT erred in failing to appoint new  
Supporting facts (tell your story briefly without citing cases or law):

Counsel, from the Postconviction unit, where it was  
glaringly apparent were neglecting constitutional  
claims where as the Public Defenders office was  
neglecting my case to where at one point a 65186  
was put on counsel from that office after a 7 1/2 years  
of my Postconviction being in that office, I was put  
off counsel after counsel

(B) Ground two Deived A fair trial By Prosecution.  
Supporting facts:

Misconduct to where Prosecution (State) used  
statements of which they didn't have proven facts  
of, to where the State Attorney had witness  
showing that the victim was alive days after the  
time stated. The murder was done, the statements  
by a Hill was thrown out and later used in trial  
where a Michael Walker made a deal for his statement.



(C) Ground three  
Supporting facts:

The Natural Life sentence without  
Parole IS UNCONSTITUTIONAL ALONE WITH A CONSECUTIVE  
SENTENCES, BECAUSE OF THESE FACTS THE SENTENCE SHOULD  
BE VOID, AND SENT BEFORE A JURY TO DETERMINE A  
SENTENCE, BECAUSE NOT BEING ELIGIBLE FOR THE  
DEATH SENTENCE OR BRUTAL AND HEINOUS, WAS NOT  
PROVEN IN THIS CASE.

(D) Ground four  
Supporting facts:

The holding in Apprendi V. New Jersey  
530 US 466 (2000) APPLIES RETROACTIVE  
TO INVALIDATE THE NATURAL LIFE SENTENCE.  
OF WHICH THE FACTS WHETHER AN AGGRAVATING  
FACTOR EXISTS, TO MODIFIED THE GREATER OFFENSE OF  
THE ELEMENTS TO BE PROVEN BEYOND A REASONABLE  
DOUBT, WHETHER A JUDGE (OR) JURY SHOULD DECIDE,  
1) A sentence  
2) AGGRAVATING FACTORS

2. Have all grounds raised in this petition been presented to the highest court having jurisdiction?

YES ( ) NO (X)

3. If you answered "NO" to question (2), state briefly what grounds were not so presented and why not:

PROSECUTION MISCONDUCT, BECAUSE OF THE SEVERAL  
PUBLIC DEFENDERS PUT ON THE CASE, OF THEIR NEGLIGENCE,

**PART IV - REPRESENTATION**

Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

- (A) At preliminary hearing ISSIAH GANT
- (B) At arraignment and plea ISSIAH GANT
- (C) At trial MARIJANE PLASEK
- (D) At sentencing MARIJANE PLASEK
- (E) On appeal LESTER FINKLE - Direct
- (F) In any post-conviction proceeding SEVERAL P.D.'S / LINDSEY HUGGINS
- (G) Other (state): MARIENNE BRANCH, JERRY NAMINI

**PART V - FUTURE SENTENCE**

Do you have any future sentence to serve following the sentence imposed by this conviction?

YES ( ) NO (✓)

Name and location of the court which imposed the sentence: MARKHAM COURT, MARKHAM IL

Date and length of sentence to be served in the future \_\_\_\_\_

WHEREFORE, petitioner prays that the court grant petitioner all relief to which he may be entitled in this proceeding.

Signed on: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Signature of attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct.

Jerome B. Hendricks  
(Signature of petitioner)

N-53807  
(I.D. Number)

menard IL 62259 P.O. 711  
(Address)

IN THE UNITED STATES DISTRICT COURT  
FOR THE Northern DISTRICT OF ILLINOIS

Jerome B. Hendricks  
Plaintiff,

v.

State of Illinois  
\_\_\_\_\_  
\_\_\_\_\_  
Defendants.

No. 88CR-12517

The Honorable  
Wilber C. Crooks  
Judge Presiding.

NOTICE OF FILING

TO:

Clerk of the United States  
District Court Northern District of IL  
219 South Dearborn 20th fl.

PLEASE TAKE NOTICE that on or before the 11th day of  
March, 2008, I shall file with the Clerk  
of the U.S. District Court For The Northern District  
of Illinois, the attached Plaintiff's 3 Copies of petition  
one (1) Appellate Court Decision

a copy of which is hereby served upon you.

By: Jerome B. Hendricks  
Register Number N-53807  
Post Office Box 711,  
Menard, Illinois 62259

CERTIFICATE OF SERVICE

I, Jerome B. Hendricks, being duly sworn aver  
that I have served copies of the foregoing to the person named above  
by placing such copies in the U.S. Mailbox at the Menard Correctional  
Center on the 11th day of March, 2008; postage  
prepaid. UNDER THE PENALTY OF PERJURY THE FOREGOING IS TRUE AND  
CORRECT.

Jerome B. Hendricks  
Affiant/